

0F469 - G60 Franklin County Ohio Clerk of Courts of the Common Pleas- 2021 Apr 14 6:47 PM-21CV002353

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

VERONICA J. GECZI
2305 North Wilson Road
418
Columbus, Ohio 43228

Plaintiff,

v.

WALMART, INC.
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus Ohio 43219

Defendant.

:
: Case No.
:
: Judge
:
:
: JURY DEMAND ENDORSED
: HEREON
:
:
:
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:

COMPLAINT

Plaintiff Veronica J. Geczi, by and through her undersigned counsel, herein states the following Complaint against Defendant Walmart, Inc. ("Walmart").

PARTIES

1. Ms. Geczi is a resident of Columbus, Ohio:
2. Walmart is a Delaware corporation that conducts business in, among other locations, Franklin County, Ohio.
3. At all relevant times, Walmart employed four or more employees within the state of Ohio.



JURISDICTION AND VENUE

4. This Court has jurisdiction in this matter because the amount in controversy is greater than \$15,000.

5. Venue is proper in this Court because all the acts and occurrences alleged herein took place in and around Franklin County.

FACTS COMMON TO ALL CLAIMS

6. Ms. Geczi began her employment at Walmart in July 2018 and was wrongfully terminated on November 26, 2019.

7. During that period, Ms. Geczi worked 40 hours per week, starting in sporting goods and moving to cashier, then to the service desk and finally to the Money Center.

8. From August 11, 2019 through September 10, 2019, she was off work because she had pneumonia, and during that period of time she was on short-term disability.

9. Ms. Geczi also suffers from a heart condition and other medical issues, that qualify as disabilities under R.C. 4112.

10. In addition, Ms. Geczi was approved for intermittent FMLA leave during this period of time.

11. Shortly after Ms. Geczi returned, Walmart began cutting her hours and changing her schedule, to the point that instead of working from 11:00 a.m. to 5:00 p.m. five days per week, 3:00 p.m. to 8:00 p.m.

12. On November 8, 2019, Ms. Geczi discovered \$500 in an unused drawer in the Money Center.

13. Ms. Geczi believes that money was placed there by Walmart management specifically to see if she would steal it, as she is aware of Walmart management doing this to other employees in the past.

14. She immediately turned it into management.

15. On November 26, 2019, Ms. Geczi was terminated, allegedly due to a "fraudulent transaction" in the Money Center on October 8, 2019 when a customer wired \$3,000 to the Philippines.

16. That reason was a pretextual reason for the termination.

17. Ms. Geczi was terminated both due to her disability and the problems that disability caused Walmart and in retaliation for using intermittent FMLA leave.

18. As a result of Walmart's discrimination and retaliation, Ms. Geczi suffered damages of at \$25,000, which will be proven at trial.

CAUSES OF ACTION

COUNT I **DISCRIMINATION UNDER** **OHIO REVISED CODE CHAPTER 4112**

19. Plaintiff realleges and restates the facts and allegations above, as if fully rewritten herein.

20. Ms. Geczi was an "employee" as that term is defined in R.C. 4112.

21. Walmart was an "employer" as that term is defined in R.C. 4112.

22. Ms. Geczi is disabled as defined in R.C. 4112 and Walmart was aware of this fact.

23. Because Walmart knew Ms. Geczi was disabled and subjected her to the discriminatory treatment described above, she was a member of a protected class under R.C. 4112.

24. Ms. Geczi was subjected to the conduct alleged above because she was disabled.

25. For its violations of R.C. 4112, Walmart is liable to Ms. Geczi for damages in an amount to be determined at trial.

26. As a direct and proximate cause of defendants' actions, Ms. Geczi has been damaged in an amount more than \$25,000, which will be proven at trial.

COUNT II
DISCRIMINATION AND RETALIATION UNDER THE FAMILY AND MEDICAL
LEAVE ACT

27. Plaintiff realleges and restates the facts and allegations above, as if fully rewritten herein.

28. Because Ms. Geczi was eligible for the protections of the FMLA, Walmart was required by 29 U.S.C. §§ 2612-2614 and 29 C.F.R. §§ 825.200, 825.214, 825.215 and other applicable statutory and regulatory provisions to afford her the intermittent FMLA leave to which she was entitled.

29. Walmart also was prohibited by 29 U.S.C. § 2615 and other statutory and regulatory provisions from retaliating against Ms. Geczi for exercising or attempting to exercise her rights under the FMLA.

30. As noted above, Ms. Geczi requested and was granted intermittent FMLA leave from August 2019 through August 2020.

31. Walmart willfully and in bad faith violated the FMLA and regulations promulgated to implement the FMLA by, *inter alia*, wrongfully discharging her or otherwise terminating her employment because she exercised or attempted to exercise her rights under the FMLA.

32. As a direct and proximate result of Walmart's violations of the FMLA and associated regulations, Ms. Geczi has sustained and shall continue to suffer lost salary, fringe benefits and other forms of compensation; lost career opportunities; humiliation and mental anguish; and other pecuniary and nonpecuniary damages, injuries and losses.

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WHEREFORE, Plaintiff demands judgement against Defendant Walmart. as follows:

1. Reinstatement, plus back pay and lost benefits;
2. Compensatory damages in an amount in excess of \$25,000, to be determined at trial;
3. Reasonable attorney fees, costs, and expenses;
4. Pre- and post-judgment interest; and
5. Such other relief this Court deems just and equitable.

Respectfully submitted,

DEWITT LAW, LLC

/s/ Michael W. DeWitt
Michael W. DeWitt (0066896)
4200 Regent Street
Suite 200
Columbus, Ohio 43219
(614) 398-2886
(614) 750-1379 (facsimile)
mdewitt@dewittlawco.com
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands that a jury decide all claims in this matter triable to a jury.

/s/ Michael W. DeWitt
Michael W. DeWitt

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MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

CASE TITLE: VERONICA J GECZI -VS- WALMART INC

CASE NUMBER: 21CV002353

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:
WALMART INC
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

Electronically Requested by: MICHAEL WILLIAM DEWITT
Attorney for:

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

VERONICA J. GECZI
2305 NORTH WILSON ROAD
418
COLUMBUS, OH 43228,

21CV-04-2353

CASE NUMBER

PLAINTIFF,
VS.

WALMART INC
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219,
DEFENDANT.

**** SUMMONS ****

04/14/21

TO THE FOLLOWING NAMED DEFENDANT:

WALMART INC
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
BY: VERONICA J. GECZI

2305 NORTH WILSON ROAD
418
COLUMBUS, OH 43228,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

MICHAEL W. DEWITT
DEWITT LAW, LLC
4200 REGENT STREET
SUITE 200
COLUMBUS, OH 43219

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

JUDGE K. PHIPPS

VERONICA J. GECZI,
ET. AL.,
PLAINTIFF,

VS.

21CV-04-2353

CASE NUMBER

WALMART INC,
ET. AL.,
DEFENDANT.

CLERK'S ORIGINAL CASE SCHEDULE

CASE FILED	LATEST TIME OF OCCURRENCE
INITIAL DISCLOSURES OF THE PARTIES [CIV. R. 26(B) (3)]	04/14/21
CASE MANAGEMENT/PRETRIAL CONFERENCE WITH COURT	06/09/21
EXPERT WITNESS [CIV. R. 16(B) (7)]	SET UPON REQUEST TO CHAMBERS
DISCLOSE IDENTITY - PARTY WITH BURDEN	09/08/21
DISCLOSE IDENTITY - PARTY WITHOUT BURDEN	NO LATER THAN 30 DAYS AFTER OPPOSING DISCLOSURE
EXPERT REPORT & CV DUE - PARTY WITH BURDEN	10/06/21
EXPERT REPORT & CV DUE - PARTY WITHOUT BURDEN	NO LATER THAN 45 DAYS AFTER OPPOSING REPORTS
DISPOSITIVE MOTION DEADLINE	12/08/21
DISCOVERY CUTOFF DATE	01/05/22
FINAL PRETRIAL CONFERENCE	03/30/22 0845 AM
TRIAL ASSIGNMENT	04/19/22 0900 AM

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

JUDGE K. PHIPPS

VERONICA J. GECZI,
ET. AL.,
PLAINTIFF,

VS.

21CV-04-2353

CASE NUMBER

WALMART INC,
ET. AL.,
DEFENDANT.

CLERK'S ORIGINAL CASE SCHEDULE

NOTICE TO ALL PARTIES

Attorneys and unrepresented parties must become familiar with the 2020 amendments to the Ohio Rules of Civil Procedure and this court's Local Rules.

The Original Case Schedule is an important tool to assist the parties and the court in meeting case management guidelines in the Ohio Superintendence Rules, and otherwise achieving timely disposition of civil cases notwithstanding the priority given to criminal cases under Crim. R. 50.

Judicial Officers of this court may modify the Original Case Schedule following receipt of the parties' Joint Discovery Plan, or for good cause at any other point in the case. However, it is essential for attorneys and unrepresented parties to pursue their cases diligently from the outset. Deadlines set in the Rules and in this Original Case Schedule are normally binding, not merely aspirational.

BY ORDER OF THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

MARYELLEN O'SHAUGHNESSY, CLERK

(CIV363-S10)

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

Veronica J. Geczi,

Plaintiff,

V.

Walmart, Inc.¹,

Defendant.

Case No. 21CV-002353

Judge

NOTICE OF APPEARANCE

Defendant, Walmart, Inc., by and through counsel, hereby respectfully provides notice to the Court that the undersigned, Allie A. Maples, along with Allison L. Goico of Dinsmore & Shohl, LLP will represent Defendant in this matter, and said counsel is hereby entering their appearance.

Date: May 19, 2021

/s/ Allie A. Maples
Allie A. Maples (OH 0100318)
Allison L. Goico (OH 0088777)
DINSMORE & SHOHL LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
P: (513) 977-8200
F: (513) 977-8141
Allie.maples@dinsmore.com

Counsel for Defendant

¹ Defendant has been incorrectly named as Walmart, Inc. The proper party name is Wal-Mart Stores East, LP.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **NOTICE OF APPEARANCE** by mailing a copy of the same via United States mail, with sufficient postage thereon to ensure delivery and addressed to:

Michael W. DeWitt
4200 Regent Street, Suite 200
Columbus, Ohio 43219
mdweitt@dewittlawco.com
Counsel for Plaintiff

Date: May 19, 2021

/s/ Allie A. Maples
Counsel for Defendant